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EXAMINER

PHAM, QUANG

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,622	Applicant(s) FUKUDA, KUNIO	
	Examiner QUANG PHAM	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

- (a). This Office Action is in reply to Applicant's Response dated Oct 23, 2009.
- (b). Claims 1-5 have been amended in response to rejections based on prior art in the previous action.
- (c). Claims 6-10 have been canceled.

Response to Applicant's Arguments/Remarks

1. Applicant's arguments, see Remarks, filed 10/13/09, with respect to the rejection(s) of claim(s) 1-3 and 4-5 under 35 USC 102(b) (over Takei et al.) and 35 USC 103(a) (over Takei et al. in view of Maeda et al.), respectively, have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the following new references/combinations.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takei et al. (Takei – US 6,545,709 B2) in view of Sorrells et al. (Sorrells – US 6,720,866 B1).**

(1). As to **claim 1**, **Takei** discloses wireless receiving apparatus and method therefor.

Further, **Takei** discloses *a wireless communication system for data transmission by radio waves between a data supply source apparatus and a data provided destination apparatus, in which:*

the data supply source apparatus (FIG. 3 the image pickup device 300 or FIG. 4 the image pickup device 400) communicate with the data provided destination apparatus (FIG. 10 the recording device 903) to transfer the photographing data.

Except for the claimed limitations *the wireless communication system wherein:*

the data supply source apparatus is operable to perform an RFID tag function that transmit data by absorbing or reflecting external radio waves provided by the data provided destination apparatus in accordance with a bit string of the data through an on/off control of an antenna to make an antenna in a terminated state or an open state.

the data provided destination apparatus is operable to perform a reader function that transmits the radio waves in a predetermined frequency band and reads data of an RFID tag in accordance with reflected waves from the data supply source apparatus.

In the same art of communicating sensed data wirelessly from a sensed data source to a destination using radio waves, Sorrells teaches using RFID tag to send sensed data from RFID tag device to RF generator as known and particular type wireless communication that provides power management and communication flexibility advantages of RFID communication, the RFID tag device coupling to multiple sensors that sense, for example voltage, current, pressure, temperature etc., to transmit sensor data to RF generator by modulating the continuous wave RF carrier of the RF generator with its data word bitstream by loading or unloading the resonant tuned circuit or antenna of the RFID tag device in accordance with the binary values of that data

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word bitstream (column 2 lines 1-9, column 2 lines 19-27, column 4 lines 10-20, column 6 lines 52-55, and FIG. 7B) which is the definition of “backscatter” communication. In addition, the RF generator transmits the continuous wave RF and detects the series data bitstream of on/off pulses represent the information from the RFID tag device (column 2 lines 11-17, column 4 lines 20-26, column 6 lines 55-58, and FIG. 7B).

In view of the teachings by Takei and Sorrells, it would have been obvious to one of the ordinary skill in the art at the time of the claimed invention to implement the wireless communication interface for wirelessly communicating/transferring captured photo data in Takei with the known backscattering RFID communication interface that transfers sensor data such as taught by Sorrells that include *the data supply source apparatus is operable to perform an RFID tag function that transmit data by absorbing or reflecting external radio waves provided by the data provided destination apparatus in accordance with a bit string of the data through an on/off control of an antenna to make an antenna in a terminated state or an open state and the data provided destination apparatus is operable to perform a reader function that transmits the radio waves in a predetermined frequency band and reads data of an RFID tag in accordance with reflected waves from the data supply source apparatus allowing the RFID tag device to transmit its data when triggered by the RF generator, for the known advantages of RFID communication.*

(2). As to **claim 2**, Takei and Sorrells disclose everything as claimed (see claim 1) except for the claimed limitation *the wireless communication system, in which:*

the data provided destination apparatus transmits a non-modulated carrier or a modulated control signal, and the data supply source apparatus transmits data by absorbing or reflecting the external radio waves on a basis of termination control of the antenna; and

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the data provided destination apparatus receives the data on a basis of presence/absence of the reflected waves from the supply source apparatus.

In the same art of using RFID tag to transmit data from RFID tag device to RF generator, Sorrells discloses the wireless communication system wherein the RF generator transmit the continuous wave forward to the RFID tag device (column 6 lines 30-37 and FIG. 7B) and the RFID tag device transmit sensor data to RF generator by modulating the continuous wave RF carrier of the RF generator with its data word bitstream by loading or unloading the resonant tuned circuit or antenna of the RFID tag device in accordance with the binary values of that data word bitstream (column 2 lines 1-9, column 2 lines 19-27, column 4 lines 10-20, column 6 lines 52-55, and FIG. 7B). The RF generator detects the series data bitstream of on/off pulses represent the information from the RFID tag device (column 2 lines 11-17, column 4 lines 20-26, column 6 lines 55-58, and FIG. 7B)

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the claimed invention to include *the data provided destination apparatus transmits a non-modulated carrier or a modulated control signal, and the data supply source apparatus transmits data by absorbing or reflecting the external radio waves on a basis of termination control of the antenna; and the data provided destination apparatus receives the data on a basis of presence/absence of the reflected waves from the supply source apparatus*, as taught by Sorrells, in the wireless receiving apparatus of Takei for the purpose of providing a communication scheme between the RF generator and RFID tag device using the back scattering scheme to allow the RFID tag device to transmit its data when triggered by the RF generator.

(3). As to **claim 3**, Takei and Sorrells disclose everything as claimed (see claim 1).

Further, Takei discloses *the wireless communication system, in which: the data provided destination apparatus has means for storing or reproducing data received from the data supply source apparatus* (column 10 line 58 – column 11 line 12 and FIG. 10 the image memory 1006 and the record reproduction 1010).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takei in view of Sorrells and further in view of Maeda et al. (Maeda - US 6,408,095 B1) and Hohberger et al. (Hohberger - US 6,686,829 B1).

(1). As to **claim 4**, Takei and Sorrells disclose everything as claimed (see claim 1).

Further, Takei and Sorrells disclose *the wireless communication system, in which: the data provided destination apparatus receives the data on a basis of presence/absence of the reflected waves from the supply source apparatus* (**Sorrells**: column 2 lines 11-17, column 4 lines 20-26, column 6 lines 55-58, and FIG. 7B), *performs error detection, and transmits an error detection result in a form of a control signal made of an ASK, PSK or FSK modulation wave* (**Takei**: column 8 lines 10-19; signal modulation, column 10 lines 7-15; error detection function, FIG. 7, FIG. 10) except for the claimed invention *the data supply source apparatus demodulates the control signal at a reception unit and demodulation unit to perform re-transmission control*.

Regarding *the data supply source apparatus demodulates the control signal at a reception unit*, in the same art of using wireless technology to transfer image data, Maeda discloses a system, apparatus and method for communication, display and output of images. In addition, Maeda discloses *the data supply source apparatus demodulates the control signal at a reception unit* (column 4 lines 54-59, column 10 lines 7-67, FIG. 8, and FIG. 9)

Regarding *demodulation unit to perform re-transmission control*, Hohberger discloses an electronic identification system with forward error correction system wherein the error detection is used in conjunction with on-demand retransmission (ACK/NAK protocol), and the message is retransmitted until no error is detected (column 1 lines 51- column 2 line 3 and FIG. 1).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the claimed invention to include the wire communication system in which the data supply source demodulates the control signal at a reception unit and demodulation unit perform re-transmission control, as taught by Maeda and Hohberger, in the wire communication system for transferred image data of Takei and Sorrells for the purpose of satisfying image quality and transmission rate of image information with display performance of the display unit without any error in data received at the display device.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takei in view of Sorrells and further in view of Maeda et al. (Maeda - US 6,408,095 B1).

As to **claim 5**, Takei and Sorrells disclose everything as claimed (see claim 1) except for the claimed invention *the wireless communication system, in which: the data supply source apparatus having photographing means is remotely controlled by a command in a control signal transmitted from the data provided destination apparatus.*

In the same art of using wireless technology to transfer image data, Maeda discloses a system, apparatus and method for communication, display and output of images. In addition, Maeda discloses *the wireless communication system, in which: the data supply source apparatus having photographing means is remotely controlled by a command in a control signal* (column 6

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lines 40-48) *transmitted from the data provided destination apparatus* (column 10 lines 7-67, FIG. 8, and FIG. 9).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the claimed invention to include the wire communication system in which the data supply source having photographing is remotely controlled by a command in a control signal transmitted from the data provided destination apparatus, as taught by Maeda, in the wire communication system for transferred image data of Takei and Sorrells for the purpose of satisfying image quality and transmission rate of image information with display performance of the display unit.

Citation of Pertinent Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. MacLellan et al., US 5,940,006, discloses enhanced uplink modulated backscatter system.

b. Squilla et al., USPG Pub 2004/0183918 A1, discloses producing enhanced photographic products from images captured at known picture sites.

c. Kusaka et al., USPG Pub 2008/0239083 A1, discloses electronic apparatus, electronic camera, electronic instrument, image display apparatus and image transmission system.

d. Nagata et al., US Patent 5,671,254, discloses modulation, demodulation and antenna coupling circuits used in IC card reading/writing apparatus, and method of supplying power to the IC card.

e. Takahashi, USPG Pub 2003/0036397 A1, discloses communication apparatus capable of connecting information processing apparatus.

f. Nihei et al., US Patent 7,304,682 B2, discloses image processing system, image capturing apparatus and system and method for detecting backlight status.

g. Maeda, US Patent 7,443,420 B2, discloses printing system including a printing apparatus for printing image data transmitted from an image pickup apparatus identified by an approved ID information.

h. Conoval, US Patent 6,400,903 B1, discloses Remote camera replay controller method and apparatus.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUANG PHAM whose telephone number is (571)-270-3668. The examiner can normally be reached on Monday - Thursday 7:30AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BENJAMIN LEE can be reached on (571)-272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/QUANG PHAM/
Examiner, Art Unit 2612

/BENJAMIN C. LEE/
Supervisory Patent Examiner, Art Unit 2612